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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan LEAL Valencia

Defendant.

Magistrate Case No. 08 MJ 0362

BY

CP

DEPUTY


COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation

The undersigned complainant being duly sworn states:

On or about **February 6, 2008**, within the Southern District of California, defendant **Juan LEAL Valencia**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Jose BECERRA-Villasenor**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this 8th day of **February, 2008**.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Jose BECERRA-Villasenor** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 6, 2008, at about 8:00 p.m., **Juan LEAL Valencia (Defendant)** made application for admission into the United States at the Otay Mesa, California Port of Entry, as the driver and sole visible occupant of a white Ford Explorer. Upon inspection before a United States Customs and Border Protection (CBP) Officer, Defendant presented a valid DSP-150 (Border Crossing Card) bearing his true name and photograph. Defendant gave a negative customs declaration and verbally invited the CBP Officer to search his vehicle. The CBP Officer questioned Defendant as to his purpose for travel. Defendant stated he was going to San Diego, California. The CBP Officer noticed the Defendant was nervous, particularly that he was hesitant to speak when answering questions asked of him. Upon querying the vehicle's information through the computer database system, results retrieved indicated the vehicle had no prior border crossing history.

The CBP Officer conducted a cursory examination of the vehicle and observed a non-factory built compartment in the undercarriage area of the vehicle in the shape of a four-sided figure, made of metal sheets. It was apparent to the CBP Officer the special built compartment replaced the standard fuel tank location. The CBP Officer observed clothing material protruding through the metal sheets. Defendant and vehicle were escorted to secondary for further inspection.

In secondary, Officers located and removed modified panels held in place by bolts under the seats. Upon gaining access to the compartment, two male human beings were discovered and extracted from the vehicle. The two males were determined to be citizens of Mexico without legal documents to enter the United States. One is now identified as **Jose BECERRA-Villasenor (Material Witness)**.

During a videotaped interview, Material Witness admitted he is a citizen of Mexico without legal documentation that would permit his legal entry into the United States. Material Witness admitted he made arrangements with an unidentified male to be smuggled into the United States for \$4,000.00 (USD), payable upon his successful entry. Material Witness admitted he intended to travel to San Francisco, California or Las Vegas, Nevada to seek employment.